IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION Nos.24319 of 2003, 25252 of 2003, 6167 of 2004

and 16753 of 2004

WRIT PETITION NO : 24319 of 2003

Between:

Y. Siva Parvathi W/o N. Nalavema Reddy,aged 46 years,
St. Ann's High School, Thallecheruvu, Atchampet Mandal,

Guntur District

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep. by its Secretary,
Education Department, Secretariat Buildings, Hyderabad
2 The District Educational Officer, Guntur, Guntur District
3 St. Ann's High School, rep. by its Correspondent,
Thallacheruvu, Atchampet Mandal, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass orders, particularly one in the nature of Writ of mandamus, declaring the order of the 1st respondent in Memo No. 13806/PS.1/2003-1, dated 18-9-2003 as arbitrary, illegal, discriminatory, misconceived, contrary to Sub-Rule (4-a) of Rule -12 of A.P. Education Institutions (Establishment, Recognition, Administration and control of Schools under private Management) Rules, 1993 , and violative of Articles 14 and 21 of the constitution of India, and consequently set-aside the same, and

direct the respondents to pay the regular scale from the date of absorption into the Aided post.

Counsel for the Petitioner: MR. KASA JAGAN MOHAN REDDY

Counsel for the Respondents 1 & 2: GP FOR SCHOOL EDUCATION

WRIT PETITION NO : 25252 of 2003

Between:

D.Mary Josephine W/o. K.Inna Reddy,Aged 33 years,
St.Paul's High School, Phirangipuram, Guntur District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, represented by its

Secretary, Education Department,

Secretariat Buildings, Hyderabad.
2 The District Educational Officer, Guntur, Guntur District.
3 The St.Paul's High School, represented by its

Correspondent, Phirangipuram, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass orders, particularly one in the nature of Writ of Mandamus, declaring the order of the 1st respondent in Memo.No.16095/PS.1/2001-1, dated 23-11-2002 as arbitrary, illegal, discriminatory, misconceived, contrary to Sub-Rule (4-a) of Rule-12 of A.P.Education Institutions (Establishment, Recognition, Administration and

control of schools under private Management Rules, 1993 and violative of Articles 14 and 21 of the Constitution of India, and consequently set-aside the same, and direct the respondents to pay the regular scale from the date of absorption into the Aided post.

Counsel for the Petitioner: MR. KASA JAGAN MOHAN REDDY

Counsel for the Respondents 1 & 2: GP FOR SCHOOL EDUCATION

WRIT PETITION NO : 6167 of 2004

Between:

K.Venugopal, S/o.K.Veerabhadrudu,AGED 32 years,
Moolasagaram, Nandyal, Kurnool District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, represented by its Principal

Secretary to Government, Education Department,
Secretariat Buildings, Saifabad, Hyderabad.

2 The Commissioner and Director of School Education,

Secretariat Buildings, Hyderabad.
3 The District Educational Officer, Kurnool, Kurnool District.
4 The Correspondent, Hindu Aided Upper

Primary School, Moolasagaram, Nandyal,

Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying the salary attached to the aided post in which the petitioner has been absorbed by the 3rd respondent by giving effect to the absorption proceedings in Rc.No.14267/A7/2000 dated 28-3-2003 from the date of post fell vacant i.e., 31-8-2000 in Hindu Aided Upper Primary School, Moolasagaram, Nandyal, Kurnool District, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to release entire arrears of salary attached to the aided post by giving effect to the absorption from the date of post fell vacant i.e., from 231-8-2000 in Hindu Aided Upper Primary

School, Moolasagaram, Nandyal, Kurnool District.

Counsel for the Petitioner: Smt.G.LAKSHMI

Counsel for the Respondents 1 to 3: GP FOR SCHOOL EDUCATION

WRIT PETITION NO : 16753 of 2004

Between:

M. Ramesh Raju S/o M. Kesava Raju , aged 35 years,
Sharada Committee Aided Elementary School,

Yemmiganur, Kurnool District

..... PETITIONER

AND

1 The Commissioner and Director of School Education,

Andhra Pradesh, Saifabad, Hyderabad
2 the District Educational Officer, Kurnool, Kurnool District
3 The Correspondent, Sharada Committee Aided Elementary

School, Yemmiganur, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass orders, particularly one in the nature of Writ of mandamus, declaring the order of the 2nd respondent in Rc. NO. 1338/B3-4-2002, dated 7-4-2003 and the consequential action of the 3rd respondent keeping the petitioner under apprentice-ship in absorption in Rc. No. 3948/B2/2002, dated 28-5-2003 as arbitrary, illegal, discriminary, misconceived, contrary to sub-Rule (4-A) of Rule-12 of A.P. Education Institutions (Establishment, Recognition, Administration and control of Schools under private Management) Rules, 1993 and violative of Articles 14 and 21 of the Constitution of India, and consequently set a side the same, and direct the respondent to pay the regular scale from the date of absorption into the Aided post.

Counsel for the Petitioner: MR.KASA JAGAN MOHAN REDDY

Counsel for the Respondent Nos. 1 & 2: GP FOR SCHOOL EDUCATION

The Court made the following :

COMMON ORDER:

The learned counsel appearing for the petitioners submits that all these four Writ Petitions were squarely covered by the judgments of this Court in W.P.No.11322 of 2002, dated 17.11.2003 held in Z.J.P. Prabhod Bose Vs. State of Andhra Pradesh and in W.P.No.17593 of 2003, dated 19.8.2004 in case of P.Suryanarayana and another Vs. State of Andhra Pradesh.

2 . Following the aforesaid judgments, these Writ Petitions are allowed and the condition imposed in the impugned orders that the absorption of the petitioners is subject to the conditions prescribed in G.O.Ms.No.100, Education (PS-1) Department, dated 16.08.2001 is set aside. As a consequence thereof, the absorption of the petitioners in aided posts shall be treated, as not on apprenticeship and they shall be paid the scale of pay attached to the posts in which they are absorbed. There shall be no order as to costs.

V. ESWARAIAH, J

Dated:03-11-2004,

Ccm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Devinder Gupta, the Chief Justice on this the Wednesday, the 3rd day of November, Two thousand and four.

ASSISTANT REGISTRAR

Dated:03.11.2004,

Ccm

To:

1 The Secretary, State of Andhra Pradesh,

Education Department, Secretariat Buildings, Hyderabad.

2 The District Educational Officer, Guntur, Guntur District.

3 The Commissioner and Director of School Education,

Andhra Pradesh, Saifabad, Hyderabad

4 The District Educational Officer, Kurnool, Kurnool District.

5 The Correspondent, St. Ann's High School,
Thallacheruvu, Atchampet Mandal, Guntur District

6 The Correspondent, St.Paul's High School, Phirangipuram, Guntur

District.

7 The Correspondent, Hindu Aided Upper

Primary School, Moolasagaram, Nandyal,

Kurnool District.

8 The Correspondent, Sharada Committee Aided Elementary

School, Yemmiganur, Kurnool District

9 2 CCs to the G.P. for School Education, High Court Buildings,

A.P.Hyderabad (OUT)

10 2 CD Copies.